

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MIGUEL MENDEZ,

Petitioner,

v.

WARDEN, FCI HERLONG,

Respondents.

No. 2:23-cv-00487-TLN-KJN

ORDER

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

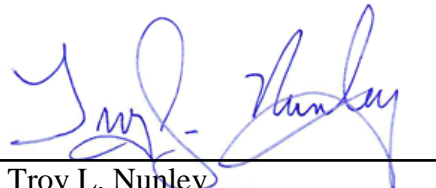
On April 26, 2023, the magistrate judge filed findings and recommendations herein which were served on Petitioner and which contained notice to Petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner did not file objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the Court finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed April 26, 2023 (ECF No. 5), are ADOPTED IN FULL;
2. This action is DISMISSED without prejudice; and
3. The Court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.
4. The Clerk of Court is directed to close the case.

Date: June 12, 2023



Troy L. Nunley
United States District Judge